

**CALENDAR ITEM
C36**

A 8
S 4

12/16/02
W 25852
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

California Department of Transportation
PO Box 233660
Oakland, California 94623-0660

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Suisun Bay, just east of the city of Benicia, Solano County.

AUTHORIZED USE:

Reconstruction of an existing intake channel (approximately 30 feet wide and 400 feet long) to restore tidal circulation to a degraded tidal marsh and dredge 4,000 cubic yards of material, to be disposed of at an upland disposal site.

LEASE TERM:

25 years, beginning December 1, 2002.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. The California Department of Transportation (Caltrans) set aside 22.8 acres in the city of Benicia for wetland impacts mitigation as a result of the New Benicia-Martinez Bridge Project; this mitigation focuses on the rehabilitation and restoration of wildlife that might be affected by the New Benicia-Martinez Bridge Project.

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3. An EIR was prepared and certified for this project by Caltrans. The California State Lands Commission staff has reviewed such document and the Mitigation Monitoring Program adopted by the lead agency.
4. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game and San Francisco Bay Conservation and Development Commission.

EXHIBITS:

- A. Site and Location Map
- B. Findings for the Benicia-Martinez Bridge Project
- C. Mitigation and Monitoring Plan for the New 9.3 Hectare (22.8 acres) Saltmarsh
- D. Notice of Determination

PERMIT STREAMLINING ACT DEADLINE:

03/02/2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY CALTRANS AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), AS CONTAINED IN EXHIBIT B, ATTACHED HERETO.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING DECEMBER 1, 2002, FOR A TERM OF 25 YEARS, FOR RECONSTRUCTION OF AN EXISTING INTAKE CHANNEL TO RESTORE TIDAL CIRCULATION TO A DEGRADED MARSH AND DREDGE 4,000 CUBIC YARDS ON THE LAND DESCRIBED ON EXHIBIT A, ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.